

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 5, 1861.—Ordered to be printed.

Mr. GWIN made the following

REPORT.

[To accompany bill S. 556.]

*The Committee on Post Offices and Post Roads, to whom was referred the petition of John Gordon, a messenger in the Post Office Department, praying compensation for services performed out of office hours, respectfully report:*

That it is represented the petitioner, in his capacity of chief messenger to the Post Office Department, was constantly employed, without regard to official hours, during the entire term of the administration of Postmaster General Campbell, in attending to business connected with the department; and as the services rendered did not come within his particular duties, and were performed out of the official hours, Sundays not excepted, say from five, a. m. to nine, a. m., and from three, p. m. to nine, p. m., he prays that he may be allowed the average additional compensation of \$250 a year, heretofore allowed to the messengers in the other government departments for the discharge of said extra duties.

In order to arrive at a just judgment in this case, it is deemed proper by your committee to refer to an opinion given by Hon. J. S. Black, bearing directly upon the legality of claims similar to the one in question, addressed to Hon. J. Thompson, Secretary of the Interior, in which he says as follows:

\* \* \* "My conclusion is, that no officer of the government having a salary fixed by law, nor no other officer whose compensation amounts to \$2,500 per annum, can receive extra pay for any service whatever, whether it be within the line of his duty or out of it; nor is it possible for any such officer to receive the salaries of more than one office, no matter under what circumstance he may have performed the duties of more than one.

"*But the law makes some exceptions.* Your letter refers to the case of Thomas Stackpole, a watchman at the President's House, who claims pay for services as assistant doorkeeper. The act of 1842 directs, as has been seen, 'that no greater allowance shall be made to any clerk or other person than is, or may be authorized by law, *except to watchmen and messengers*, for any labor or services required of them

beyond the particular duties of their respective stations, rendered at such times as does not interfere with the performance of their regular duties.'"—(5 U. S. Stat., 525) \* \* \* \*

"Stackpole, being a watchman at the President's House, appears to come within an exception expressly authorized by law, so that an allowance for his services as assistant doorkeeper, if they were rendered at times not interfering with his regular duties, may be made."—(Att'y Genl's Opinions, Record, p. 126, 127.)

It is evident that the claim in question comes clearly within the law and opinion quoted above; and your committee being satisfied that the additional services were performed as set forth by the petitioner, and as shown by the letters of the late Postmaster General, A. V. Brown, and the late Second Assistant Postmaster General, W. H. Dundas, believe his claim to be a meritorious one, and therefore report a bill for his relief, and recommend its passage.